

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, APRIL 16, 2002

Chair Mathewson called the meeting to order at 7:01 p.m. in the Twin Pines Senior and Community Center.

1. ROLL CALL:

Present, Commissioners: Mathewson, Wiecha, Parsons, Torre, Gibson, Feierbach, Frautschi Absent,  
Commissioners: None

Present, Staff: Community Development Director Ewing (CDD), Principal Planner de Melo (PP), Associate Planner Ouse (AP), City Attorney Savaree (CA), Recording Secretary Flores (RS)

2. AGENDA AMENDMENTS:

AP Ouse asked that Item 7, Old Business, be moved to precede the Public Hearing items. Approved by consensus of the Commission.

3. COMMUNITY FORUM (Public Comments): None

4. CONSENT CALENDAR:

A. Minutes of March 6, 2002

**MOTION: By C Wiecha, seconded by C Feierbach, to approve the minutes of March 6, 2002. Motion passed, with C Frautschi and C Parsons abstaining.**

B. Minutes of March 19, 2002

**By C Wiecha, seconded by C Feierbach, to approve the minutes of March 19, 2002. Motion passed with C Frautschi abstaining.**

5. STUDY SESSION: None

6. OLD BUSINESS: Extended Stay of America – Amendment to Condition of Approval.

AP Ouse summarized the staff report, noting that on November 13, 2001 the City Council granted amendments for construction of the hotel at 120 Sem Lane. The applicant asked for approval of a revision to the Condition of Approval relating to the access driveway for emergency vehicles. The revision would allow that, if the site does not adequately pass the onsite access test as required by the South County Fire Authority, the alternate driveway shall be constructed to the satisfaction of the City and the SCFA. Responding to C Parsons' question, AP Ouse confirmed that if the driveway is required, it will not appear to be a driveway and a curb cut would not be necessary. C Wiecha asked that, if the driveway does become necessary, the applicant sign a certification that all trees that were part of the landscape plan actually get planted.

**MOTION: By C Gibson, seconded by C Torre, to amend the Condition of Approval for Extended Stay of America as stated in the staff report, with the requirement that, if the condition is invoked, the applicant will provide an affidavit certifying that they have planted all of the plants included in the original landscape plan.**

**Ayes: Gibson, Torre, Frautschi, Feierbach, Parsons, Wiecha, Mathewson**

**Noes: None**

**Motion passed 7/0**

CDD Ewing agreed that staff will be prepared to do its own inspection to make sure that the landscaping is planted as approved, and will note on the plans that a curb of no more or less than 4" is acceptable to the Commission if the emergency driveway is required.

## **7. PUBLIC HEARINGS:**

**PUBLIC HEARING - 2646 PONCE AVENUE: To consider a Conditional Use Permit and Floor Area Exception to allow legalization of an existing secondary dwelling unit. The existing secondary dwelling unit located on the lower floor will be reduced in square footage to meet maximum size requirements. Legalization of the improvements will increase the size of the building to 3,929 square feet in a zoning district that permits 2,826 square feet. (Appl. No. 01-0361) APN: 044-241-590; Zoned: R1-B (Single Family Residential) CEQA Status: Exempt; Peter and Sylvia Kentera, Applicant/Owner**

CDD Ewing summarized the staff report, recommending approval of the project subject to the attached conditions. He added that the Commission had been given a letter from an adjacent neighbor in opposition to the project as proposed, and noted that page 11 of the staff report, Finding 3, should be corrected to read that the finding *can* be made in the affirmative.

Responding to Commissioners' questions regarding the letter from the neighboring property owner, CDD Ewing clarified that the proposed door and entry stairs would be on the lower level on the north side, immediately adjacent to their property. Responding to C Wiecha concerns about the privacy issue, CDD Ewing stated that the only window on the north elevation is a kitchen window that is required by building code.

C Gibson asked for clarification of the reference to "uninhabitable storage space." CDD Ewing responded that this space will be discussed with the Building Official to determine if the floor in that area will have to be pulled up so that it will no longer count as floor area.

Responding to C Torre's concern about the effect the large uninhabitable area will have on the safety and longevity of the structure, CDD Ewing stated that if the remodel is approved the Building Department will review the changes to assure that the structure is not compromised.

Responding to C Feierbach regarding the neighbor's concerns about the adjacent light being triggered by animals, etc., CDD Ewing suggested that there is a lot of flexibility with advances in lighting designs. C Feierbach asked what assurance there is that a future owner will not restore the structure to its present condition, CDD Ewing stated that any homeowner is expected to comply with the requirements of the law and the City has recourse if they do not. Regarding the setting of a precedence, CDD Ewing stated that they are looking at floor area exceptions where a second unit is involved, and they would make a distinction between an addition to an existing house and the creation of a second unit.

C Parsons asked if there is an advantage to designating this unit as affordable housing. CDD Ewing responded that it is desirable and there is no reason why they could not do so, and explained the income qualifications allowable for affordable housing in the County, adding that if the City were to designate the property as affordable, they owners would have to comply with those qualifications every time they would lease the property.

Chair Mathewson stated for the record that he had visited the property and the neighbor, and felt that the south side of the house seems to have a wider space between the two houses than on the north side.

C Frautschi asked: 1) Since the original second floor was built without permits, how staff or the Commission knows it is structurally sound. 2) What sort of neighborhood outreach policy was followed by the applicant.

3) If this is approved, are we also approving a floor area exception to the upper units? CDD Ewing responded as follows: 1) We do not know if the current improvements inside are structurally sound, but the shell around that lower level was part of the original structure and was permitted. The outcome of this could mean that they would be required to submit new plans with structural calculations and review and inspection by the Building Department. 2) The application was submitted before the neighborhood outreach policy was in force, so that was not a requirement, but a notice was submitted to the neighbors within 300'. 3) The upper area is considered legal non-conforming or grandfathered, for the additional 200+ sq.ft. over the current limit. The submittal is for a floor area limit from 2800 to 3900 sq.ft. based on a particular plan, so that what they are building is 848 sq.ft. on top of the grandfathered amount.

George Eshoo, attorney for the applicant, stated that the applicant has tried to comply in every way. He stated that the owner had a petition signed by all the neighbors in support of the project, and if they had gotten a permit for the sheet rock back in 1978 it would have been legal and that would have been the end of it. He felt that they have tried to do everything possible to reach a compromise and comply with the present laws, and commended staff and the City Attorney's office for working together to try to get the matter resolved. C Frautschi and Mr. Eshoo discussed the background and litigation of the project. Responding to C Feierbach, Mr. Eshoo stated that the County Assessor has been including the additional 2,000 sq.ft. in the assessment.

C Mathewson opened the Public Hearing. No one came forward to speak.

**MOTION: By Commissioner Wiecha, seconded by Commissioner Parsons, to close the Public Hearing. Motion passed.**

Chair Parsons stated that he could vote for the project as submitted as long as there is an effort made to make sure the lighting does not disturb the neighbor, and that a condition of approval be added that the Commission asked that this project be placed on the City's affordable housing rolls. C Torre concurred. C Feierbach again mentioned her desire for a light switch at the top of the stairs and inside the house at the bottom, and CDD Ewing replied that they would want to assure that the stairs were adequately lighted with low-voltage lighting on the stairs, and some additional lighting higher up but down-directed subject to switches only.

#### **"TAPE MALFUNCTION"**

**MOTION: By Commissioner Wiecha, seconded by Commissioner Parsons, to adopt the Resolution approving a Conditional Use Permit and Floor Area Exception at 2646 Ponce Avenue. (Appl.#2001-0361)**

**Ayes: Wiecha, Parsons, Feierbach, Gibson, Torre, Mathewson**

**Noes: Frautschi**

**Motion Passed 6/1**

C Mathewson stated that the item may be appealed to the City Council within ten days.

Mathewson called for a recess at 8:06 p.m. Meeting resumed at 8:15 p.m.

**PUBLIC HEARING – 2440 CARLMONT DRIVE: To consider a Conditional Use Permit to establish a Detailed Development Plan (DDP), Tentative Subdivision Map, Design Review, and Grading Plan to construct 52 townhouses on a five-acre site currently occupied by the Peninsula Jewish Community Center (JCC). On-site parking would be provided for 130 vehicles for the units. The project would include 2.6 acres of landscape area, which includes hillside and riparian area to the north and west of the units. The Conceptual Development Plan (CDP) for this project was approved by the City Council on July 24, 2001; (Appl. No. 01-0358); APN: 045-031-010; Zoned: Planned Development (PD); CEQA Status - Adopted Mitigated Negative Declaration; Summerhill Homes, Applicant; Peninsula Jewish Community Center, Owner**

Before summarizing the staff report, PP de Melo noted that the Commission had been provided with three additional conditions of approval - 27, 28 and 29 - and that the applicant had requested a wording change to #29 to add "if required" at the end of that condition. With regard to the specific retaining wall heights, he noted corrections to bulleted items on page 5 of the staff report as follows:

- 0 - 6 should read 0 - 6 ½
- 0 - 10 should read 0 - 9 ½
- 3 ½ - 7 ½ should read 2 - 8 ½
- 2 - 7 should read 1 - 9 ½

Staff recommended adoption of the resolutions as attached to the staff report with the changes noted, and answered questions from the Commission. C Torre asked for clarification of who will maintain the pedestrian access to the Water Dog Lake trail. PP de Melo will review the staff report approved to find the answer to that question. C Gibson raised a question regarding lines on a drawing labeled "limits of inundation," which he believes refers to Water Dog Dam, that if it gave way the whole area would be flooded – does that fact have any bearing on any stage of the design or building permit or construction process? PP de Melo deferred the question to the applicant's engineer. Responding to C Frautschi's question, PP de Melo stated that the Mitigation Monitoring Program spells out which City department is responsible for insuring that mitigations are addressed. Responding to C Mathewson, PP de Melo confirmed that Planning Division Condition 3.e. states that "the project shall include the use of true materials, such as stucco, stone, wood and/or glass," and that the applicants are including stone, glass, stucco elements, and that they do have a Hardy Plank design for the exterior building, which is a type of building material that the Commission has approved before and which provides a better fire resistancy and is much easier to maintain.

Elaine Breeze, representing Summerhill Homes, stated that the proposal as presented is consistent with the CDP as previously approved by the City Council, and feels that the details being proposed will bring the project to a community of distinction for the City. She answered the Commission's earlier questions by stating that: 1) The inundation/flood zone will go away by up-sizing, referring to sheet C-4 of the Vesting Tentative Map that shows that an existing 48" storm drain will be replaced with a 72" storm drain to take care of overflow; 2) The trail will be maintained by the HOA; 3) Confirmed that they are proposing the Hardy Shingle and Hardy Plank, as one way they feel that, once the developer loses control and turns the project over to the HOA, the buildings will look as good as possible in the future.

Carl Lagaoni, Architect, and Mel Lee, Landscape Architect, gave detailed presentations of the proposed project, and answered questions from the Commission. Mario Allercon, BKF Engineers, stated that, since these units will have a combined domestic water fire sprinkler supply line, a large backflow preventer system will not be required.

Elaine Breeze stated that since staff had asked the applicant to come up with something other than the tan split-faced block walls, she distributed drawings of two concepts that might enhance the project, particularly the entrance, but which would need to be approved by geotechnical and structural engineers. Responding to C Feierbach's question, she stated that the pavement at the entrance would be black asphalt. After further discussion, it was agreed that at the Conceptual Design Review stage it was understood that interlocking pavers colored in a different manner or stamped concrete would be used rather than asphalt. Ms. Breeze agreed to review this item. She also noted that she misspoke earlier about the inundation area -- the upsizing of the storm drain is to eliminate the 100-year flood plain. The inundation area will remain and is part of the EIR and will be disclosed to homeowners.

C Mathewson opened the Public Hearing.

Speaking with the permission of the Chair, Walter Levison, City Arborist, felt that: 1) On the Ogren allergy scale, Sycamore trees are a nine on a scale of one to ten, ten being a severe allergy hazard; 2) With respect to using more evergreen trees, deciduous trees would let the solar radiation in and tend to be more hardy in that they have renewed foliage each year; 3) It is true that deer resistance lists are pointless in that deer eat everything; 4) The olive trees on the front of the property probably are not in good enough condition to transplant; 5) It would be nice to see native Coast Live Oaks, Blue Oaks and Valley Oaks used in the area above the project.

**MOTION: By Commissioner Parsons, seconded by Commissioner Torre, to close the public hearing. Motion passed.**

C Parsons commented as follows:

Would like to see differences in the pavement at intersections, especially where it approaches the sidewalk on Carlmont Drive.

Would like to see a few more evergreens and removal of the purple leaf plum.

In spite of the allergy issue, he believes that most deciduous trees are high allergy trees and still believes the Sycamore is the best tree. Also, in view of the light issue, he feels that having deciduous trees on the street side and in front of the buildings is a good idea.

He'd like to see the project approved with the landscape plan and some details on the retaining walls and pavements brought back for further review by the Commission.

C Torre agreed with C Parsons' comments.

C Feierbach also concurred with C Parsons' comments, but does not like to see gaping holes between the evergreen trees in the front, and would like to see evergreen vines over the trellises.

C Frautschi suggested the possibility of incorporating some sort of craftsman details into the retaining wall that would pull it into the project and not isolate the walls. However, he could support the project with no changes.

C Gibson felt that they are ready for something different than the split-faced blocks and likes deciduous trees. All in all, he feels the applicant has done a good and thorough job and the project will look good.

C Wiecha thanked staff for the thorough staff report, especially the Conditions of Approval. She added comments as follows:

On the proposed Condition 28, she was concerned that the excavation that is going to be needed to construct the retaining wall on the left side of the driveway could create stability problems for the adjacent property and apartment building if it is not engineered and constructed properly. Her suggested wording was "design, location and construction."

Regarding Condition 29, she is concerned that if soil nails were proposed they would most likely extend onto the adjacent private property. Therefore, it is not just grading but also any retaining wall shoring or elements should be included in the encroachment approvals by the adjacent property.

She urged the applicant to look at safety considerations of maintenance activities on top of the retaining walls, especially with regard to landscaping work that will need to be done there.

She felt that if the olive trees were not eligible for saving and transplanting, she would leave that at the discretion of the arborist and landscape architect.

Regarding the retaining wall aesthetics, she is concerned about introducing another stone element that is different from the cultured stone that is being proposed for the detailing on the building. She concurred with the other Commissioners that it would be better for the applicant to come back with a well-thought-out and properly engineered proposal.

She was glad to see that the Mitigation Monitoring Plan has been included in its entirety as a condition of approval, but had specific concerns about the potential for raptors, bats and other species that might be impacted by either the tree removal or the construction within the nesting sites. She wanted to make sure that all the monitoring that is required in the MMP on pages 6 and 7 is actually going to happen and that the standards of success actually take place.

C Mathewson commented as follows:

Maintenance of the street trees needs to be built in to the agreement, to insure that those trees are living for a long time after planting.

Regarding deciduous vs. evergreen trees, he thinks we need a happy medium - he agrees that light needs to be let in during the winter months, but at the same time, he wants to see something that will do some screening of the building.

If split-face block is the only option, which he is not advocating, he at least wants to see some articulation in the blocks so that there is some shadowing. He is not as concerned about it if they are going to be well screened.

He echoed the comments about paving.

He liked the idea of using anchor redwood trees and natives on the hill, is not concerned about the allergy issue, but is concerned about the lack of screening for the six months in the winter.

Staff suggested the following wording for Condition 30 regarding lighting: "Prior to issuance of building permits, a lighting plan shall be submitted to the Planning Department for review such that it does not cause off-site glare to adjacent properties." C Feierbach stated that, in consideration of local astronomers, there should be no lights that go up and shine in the sky.

**MOTION: By Commissioner Wiecha, seconded by Commissioner Parsons, to adopt the Resolution recommending City Council approval of the Vesting Tentative Map for construction of a 52-unit residential development for Summerhill Homes at 2440 Carlmont Drive, with the findings in the staff report.**

**Ayes: Wiecha, Parsons, Frautschi, Feierbach, Gibson, Torre, Mathewson**

**Noes: None**

**Motion Passed 7/0**

**MOTION: By Commissioner Wiecha, seconded by Commissioner Parsons, adopting the Resolution approving a Detailed Development Plan and associated Conditional Use Permit, Design Review and Grading Plan for construction of a 52-unit residential development for Summerhill Homes at 2440 Carlmont Drive, with the following added conditions. Under Community Development, Conditions 27, 28 and 29 as provided this evening, with edits previously requested by C Wiecha, Condition 30 as previously stated by staff, and additional Condition 31 to have the project applicant return with a landscape plan that addressed some of the comments this evening, and that we request the applicant to consider the inclusion of native species on the open space behind the buildings, with the species to be worked out between the landscaper the City arborist. On the hardscape portion of the landscape plan, to address the Commission's concerns with respect to retaining wall aesthetics, and entryway paving and other paving or accent paving that was previously committed to by the project applicant to outline certain areas of pedestrian circulation within the property. On item #5, Conditions of Approval of Community Development, which states the residential development must meet all mitigations in the Mitigated Negative Declaration, etc., with attention drawn to mitigations covering potential impacts of biological resources and mitigations as outlined within the Mitigation Monitoring Plan, particularly the issues of endangered species.**

**Ayes: Wiecha, Parson, Frautschi, Feierbach, Gibson, Torre, Mathewson**

**Noes: None**

**Motion passed 7/0**

Chair Mathewson noted that this item may be appealed to the City Council within ten days.

CDD Ewing stated that when the landscape plan is brought back to the Commission it will not be a noticed Public Hearing but will be an agenda item for discussion and to take any testimony.

8. **OLD BUSINESS:** None

9. **NEW BUSINESS:** None

**10. REPORTS, STUDIES, UPDATES AND COMMENTS**

Parsons asked if anything is being done to repair trees that have died and are dying on the street at Belmont Vista. He suggested that they may not be getting water. Regarding the approved final landscaping plan for the Blockbuster project, C Parsons recalled that it included trees all along El Camino between the parking lot and the sidewalk. He stated that there is only one tree there now, and that there is room for additional trees, perhaps in front of the windows. He feels that staff should make every effort to hold them to the approved condition. CDD Ewing replied that he would see what staff time allows.

C Mathewson reported on a meeting that he and C Wiecha attended with CDD Ewing, the Mayor, the City Manager and the City Clerk to discuss a joint meeting with the Commission and the City Council, and they agreed to do a tour of recently approved City project on a Saturday morning in June.

CDD Ewing interjected that Council recently concluded a study of priorities among all departments and set for itself and staff the direction and the projects that it wants to have staff focus its resources on over the next six months. or at least identify that it would revisit that list in six months to see if there are any changes to the list. Staff will make sure that the Commission is plugged in to that process before it goes to Council, to enable the Commissioners to formally offer priorities and suggestions. C Torre stated that she had sent an Excel spreadsheet listing all the priorities to each Commissioner, but some may not have received it. C Torre asked that an update of email addresses be included in the next package.

**ADJOURNMENT:**

The meeting adjourned at 10:20 p.m. to a regular meeting on Tuesday, May 7, 2002 at 7:00 p.m. at Twin Pines Senior and Community Center.

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Craig A. Ewing, AICP

Planning Commission Secretary

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